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OFFICE OF PETITIONS

In re Application of	:
Abrahmsen et al.	:
Application No. 08/765,695	: DECISION ON
International Filing Date:	: PETITION
June 7, 1995	:
371 Date: July 25, 1997	:
Title of Invention:	:
CONJUGATE BETWEEN A MODIFIED	:
SUPERANTIGEN AND A TARGET-SEEKING	:
COMPOUND AND THE USE OF THE	:
CONJUGATE	:

This is a decision in response to the renewed Petition for Revival of an Application Abandoned Unintentionally Under 37 CFR 1.137(b), filed April 7, 2006.

The petition under 37 CFR 1.137(b) is hereby **granted**.

Background:

A petition under 37 CFR 1.137(b) to revive an abandoned application was initially filed on January 9, 2006. The petition under 37 CFR 1.137(b) filed January 9, 2006, was dismissed in a decision mailed March 21, 2006, because the petition failed to comply with the requirement under 37 CFR 1.137(d) for a terminal disclaimer. The petition under 37 CFR 1.183 to waive the requirement for a terminal disclaimer filed on January 9, 2006, was also dismissed in the decision mailed March 21, 2006.

[Derek - I see no reason to repeat the following background information that was already contained in the previous decision, especially since some of the wording is not the same. If you want to repeat it, then use the same language.]

DiscussionPetition to Revive

Under 37 CFR 1.137(b), a petition requesting that the application be revived on the grounds of unintentional delay must be filed promptly after the applicants become aware of the abandonment and must be accompanied by: (1) the required reply, unless previously filed, (2) the petition fee required by law, (3) a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional", and (4) a terminal disclaimer (and fee set forth in § 1.20(d)) is required pursuant to paragraph (d) of this section (for applications filed before June 8, 1995).

Applicants have satisfied Items (1) through (4). With regard to subsection (4), since the above-identified application is a utility application filed before June 8, 1995, 37 CFR 1.137(d) requires a terminal disclaimer dedicating to the public a terminal part of any term of any patent granted on the above-identified application or any patent granted on any continuing application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the above-identified application. The period to be disclaimed will be a terminal part of the patent to be granted equivalent to the period of abandonment. The period of abandonment will be computed to be the number of months lapsed from the date of abandonment to the date when this application issued as a patent. A terminal disclaimer fee of \$65 is required and has been provided. The terminal disclaimer filed on April 7, 2006, has been accepted.

All of the requirements of 37 CFR 1.137(b) have now been met. Accordingly, applicants' petition to revive under 37 CFR 1.137(b) is granted.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.


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Office of Petitions